

# **EMPLOYEE/STUDENT COMPLAINT OF DISCRIMINATION** **THE UNIVERSITY OF TEXAS AT TYLER**

68b

NAME <b>Mary Linchan</b>	JOB/TITLE/CLASSIFICATION <b>Assoc. Prof</b>	COLLEGE/DEPARTMENT <b>CAS / POLS + HIST</b>
HOME ADDRESS <b>pls. refer all correspondence to Gregory Porter. Contact info on page 2.</b>	HOME PHONE <b>903-504-5187</b>	WORK PHONE <b>X 7395</b>
CITY, STATE, ZIP <b>Tyler, TX 75703</b>	WORK LOCATION AND ADDRESS (IF EMPLOYEE) <b>BUS 201</b>	

**TYPES OF COMPLAINTS [Check appropriate box(es)]**

☐ Race
 ☒ Sex
 ☐ Age (Over 40)
 ☐ Religion
 ☐ National Origin

☐ Disability
 ☐ Disabled Vietnam Veteran
 ☐ Other \_\_\_\_\_

**ISSUES INVOLVED [Check appropriate box(es)]**

☐ Sexual Harassment
 ☐ Promotion/Transfer
 ☐ Religious Beliefs  
☐ Sexual Misconduct
 ☒ Termination/Discipline
 ☐ Accommodation to Disability  
☐ Training
 ☒ Demotion
 ☐ Hiring  
☐ Seniority
 ☒ Wages
 ☒ Benefits  
☒ Other (Specify): gender discrimination

**COMPLAINT FILED AGAINST**

(Name all relevant persons, agencies, department, etc.)

**Dean Martin Slann****CAS****Associate Dean Ken Wink****CAS****Dr. Marcus Stadelmann****POLS + HIST**

NAME <b>Dean</b>	DEPARTMENT/LOCATION <b>X 7368</b>
<b>Associate Dean</b>	<b>X 7368</b>
<b>Chair</b>	<b>X 7412</b>
TITLE	PHONE (WORK)

**EXHIBIT****C**

exhibitster.com

PLF000463

68c

### COMPLAINT FORM

Have you filed an official complaint with the Equal Employment Opportunity Commission (Federal), Texas Workforce Commission (State), or commenced a private legal investigation?

☒ Yes ☐ No If yes, with whom was the action commenced?

Dallas EEOC - filing concurrently

Are you represented by an attorney?

☒ Yes ☐ No If yes, what is their name? Gregory Porter

At what stage is the action? fact finding

5380 Old Bullard Road, Tyler, TX 75703

phone (903) 561-5144 fax (903) 705-6253

Have you attempted to resolve this matter by discussing it with someone else (supervisor, other UT Tyler official)?

☒ Yes ☐ No If yes, give the name and title of the person and state what happened.

The persons involved are my supervisors.

Complaints have been ignored or resulted in

retribution.

Do you know of other employees or students (see basis of discrimination on page 1) who were treated the same way you allege you were? If yes, provide names, titles, race, sex, etc., and explain.

☐ Yes ☒ No

68d

Describe in detail and chronologically from the beginning the alleged act(s) indicating dates, places, names and titles of persons involved. (Add additional pages if necessary and please print.)

As detailed in the attached pages, I have been subjected to gender discrimination for the past 4 years. This is evidenced by comments made to me (eg allegedly I 'unmanned' another professor); disagreements over my teaching courses dealing with women's issues; and denial of pay and bonuses - + the number and types of courses I am allowed to teach. Male colleagues ~~at~~ in my area do not face this kind of discrimination and are treated better. They have tried to push me out and make me quit. As I did not go, ridiculous accusations of sexual harassment and 'other' charges have been made against me and have been used to take away my summer and PATSS courses. I have not been provided any due process and, more than 3 weeks later, I still do not know the nature of the charges against me, other than the bogus claim of 'sexual harassment'. I have been professionally employed since 1991 and have taught at 10 other universities as a faculty member: National Louis U, Loyola U, Columbia College, Northeastern Illinois U, U of Notre Dame, Grand Valley State U, King's College, Spalding U, the College of Wooster, and U of Toledo, and have never been accused of such behavior.

68e

*Describe in detail and chronologically from the beginning the alleged act(s) indicating dates, places, names and titles of persons involved.*

The events compromising this complaint date back to August, 2010, and are described below. They are of particular relevance now because of accusations made and acts taken in the past three weeks which jeopardize my professional reputation and income, and, I believe, lay the groundwork for my termination from the job I adore in contravention of my tenure rights. I believe these most recent events are the culmination of sex/gender discrimination against me within my department and the College of Arts and Sciences over the past 4 years. I now see that actions and decisions I acquiesced to in order to be a good employee are part of continuing pattern of discrimination and harassment.

In August, 2010, I was fired as chair of the Department of History by Interim Dean Ken Wink. Later, I was replaced by a less-experienced male, Marcus Stadelmann. This action reduced my annual salary by \$14,166 and reduced to one the number of women chairing departments in the College of Arts and Sciences. In the oral termination, at which Jennifer McLoud-Mann was present, Dr. Wink claimed he was "disgusted" by one of the activities (the Mr. Women's History Contest) in my graduate Women's History course, although he did not ask about the pedagogical purpose of the assignment and although my teaching should have no bearing on my capabilities to chair a department.

In February, 2011, I had to ask Dr. Stadelmann to stop making insulting, public comments and "jokes" about my salary in relation to the male associate professors in the new department of Political Science and History. He continued to make public comments about this, though he did veil his references more thoroughly.

In May, 2011, Dr. Wink wrote an evaluation of my year as History Department Chair based on his 34 days as Interim Dean. However, the incidents listed in his letter happened prior to his deanship. His evaluation reveals that he removed me as chair after conversation with three male professors who are no longer with the university. Although he had previously referred to the controversy within the History department as "he said/she said," Dr. Wink never asked me about what took place under Alisa White's deanship. He directly refused to look at the written record that showed the complaints these three men had against me were based on actions dictated by Dean White and approved through the Office of General Counsel. Instead, Dr. Wink took the word of the three disgruntled former employees, writing in his official report that I had been "high-handed" and "unmanned," a male professor. When I tried to reason with Dr. Wink he revised his evaluation to include more (disputed) accusations. I wrote a grievance, but was discouraged from sending it by Dr. Stadelmann's advice. However, I am up for post-tenure review in 2014. Dr. Wink's sexist evaluation and my response to it will be open to scrutiny. I believe this is another concern that makes some people prefer to terminate my employment.

In August, 2011, I had a strange experience with a student, David Yost, who had received an A in my summer course and was registered for my fall course. He began to make death threats against liberals and claims against me on facebook. This was reported to

288f

Dr. Stadelmann and the Campus Police by me and by a frightened student. No action was taken which contrasts negatively to the concern and action displayed when Professor Tabri (a male faculty member) felt threatened by Stephen Kirshbaum (a graduate student).

In September, 2011, Dr. Stadelmann took two of my regularly scheduled undergraduate courses and gave them to new faculty, claiming I was not an "expert" in a subject I had researched and taught for over 20 years. No other professors had courses taken from them and given to new faculty.

In December, 2011, Dr. Stadelmann asked the male student assistant (not me) why my spring courses were not filling. I reminded him he had taken away my regularly scheduled course and ordered me to offer the same elective had I given the previous spring. I also informed him that David Yost had begun an "I Hate Mary" facebook group and was conducting a whisper campaign that I do not give male students A grades, even though Yost had himself earned an A in my class. Dr. Stadelmann did not follow up on my charges of harassment.

In March, 2012, it was announced that bonuses based on "merit" would be awarded to the faculty as determined by the dean and chair. So far as I know, I am the only faculty member in the department not to receive a merit bonus, although my annual evaluation was comparable to other faculty. Dr. Stadelmann explained that a woman I had never personally met - Donna Dickerson - but had good online relations with had given "my" bonus to Larry Carter, a male professor who had left the university.

In April, 2012, I received an email from Dr. Stadelmann copied to Dr. Slann. It did not ask questions, but claimed I had not been holding office hours and had refused to advise students. This is unequivocally false and I responded with evidence to the contrary. I asked Dr. Stadelmann if he wanted to hear from the students I advised. He said yes and, even though I gave students the wrong email address, many responded with praise of my advising. Dr. Stadelmann replied by comparing my advising unfavorably with that of a male professor, James Newsom, who was in fact advising based on forms I provided for him. I also learned through students that David Yost and his friend Scott Arnold were behind these charges and I wrote with a defense and explanation. I have no record of Dr. Stadelmann responding further. Instead, without asking me a single question, Dean Slann sent a letter in May criticizing me for my failure to advise and hold office hours and other charges I didn't understand. He also called me unprofessional because students contacted Dr. Stadelmann, even though Stadelmann asked that they do so. When I tried to follow up with the Dean, I received a second letter which said (basically) I was being insubordinate and was subject to discipline and termination (note: I no longer have a copy of the second letter, though it is part of my permanent file at the university)..

In January, 2013, I offered to teach a 3<sup>rd</sup> summer school course at no charge because it was important for our students, many of whom were demanding it. Dr. Stadelmann informed me that Dean Slann refused to allow any one to teach 3 courses in the summer,

689

paid or not. In the summer of 2014, Ed Tabri is offering 3 courses (presumably for pay) because of similar students demand. It also appears as though Bob Sterken is offering three courses for pay,

In August, 2013, James Newsom informed me that someone in the College of Arts and Sciences was circulating an email, ostensibly written by me, that claimed I was a "feminist" who thought of men as "dogs" and would punish any of them who got in my way. I explained to Dr. Newsom that the message was clearly written by someone who did not know what feminism was and he told me his wife explained how easy it would be to forge an email. However, he was afraid to tell me who showed him the email. Repeatedly, I asked my chair to intervene and help me stop this defamation. Dr. Stadelmann all but ignored me.

In November, 2013, I learned that graduate students were being exempted from my required courses. When I asked Dr. Stadelmann for help and advice, his solution was to assign my required courses to two male professors – Colin Snider and James Newsom – neither, I believe, has a specialization in 20<sup>th</sup> century US History. Dr. Stadelmann's solution was also for me to teach topics courses, but I was never told what those would be or how this would fit into the department's future needs. Moreover, he had already taken away my special topics course in African American History.

Also in November, I wrote to Dr. Stadelmann with my fear of David Yost, the student who threatened violence against me, being admitted to the grad program. I have no record of him responding.

In January, 2014, I saw that David Yost was enrolled in my grad course for the spring. I immediately wrote to Dr. Stadelmann asking if I could be removed, somehow, from the class. His response was that I had no reason to be afraid of the man who threatened violence against me because other female professors had no problems with him. I am not sure why he viewed this as a gender issue, but Dr. Stadelmann wrote that if I didn't like it I could appeal to Dean Slann who the previous spring had given me no opportunity to defend myself from false charges made by Mr. Yost.

On February 16, 2014, I submitted my Annual Report for 2103. I do not know if I am the only one who has not received an evaluation from Dr. Stadelmann yet, but no one else has mentioned the delay.

In the Spring of 2014, I asked Dr. Stadelmann permission to offer an independent study group course on gender in the fall of 2014. Although unpaid, such courses are prized by faculty who get the chance to teach a special topic to a small group of intensely interested and highly motivated students. Such courses have been consistently taught by male faculty (Wade Meade, 2011; Ed Tabri, 2012 & 2013; Matt Stith, 2013). The only time I got to teach a group independent study was the Summer of 2013. In that case, Dr. Newsom's undergraduate course was canceled and students needed a replacement course in US History in order to graduate. I was forced to turn an independent study in gender

LeSh

relations for one student into a course on Children's History (Dr. Stadelmann's preference) for displaced students.

In April, 2014, Professor John Lamb announced at the Faculty Senate meeting that the average raise in 2013 was 8%. Mine was 2%. I am not yet aware if this was the standard in the Political Science and History department.

In May 2014, my spring graduate course came to an end. There were two students who complained from the first day of class until the end. Dr. Stadelmann repeatedly told me not to worry about it. In late March, these students contacted Dr. Wink at that point their harassment and class disruptions increased exponentially. Dr. Stadelmann soon claimed there were 9 students protesting me (though he provided no names, told me not to have happy students talk to him, and refused to provide any advice as to how I could resolve the situation). By the end of the semester, both Drs. Wink and Stadelmann knew that one of the complaining students had plagiarized most of her work and that the other had only done about 30% of the work. When I told them these students had not done well on the final and that I felt they deserved a C grade, I received an angry and threatening email from Dr. Stadelmann that made me feel I had to acquiesce to the complaints these students made and give them – and therefore, by extension, all of the students – A grades

Within 2 hours of grades being submitted on May 13<sup>th</sup>, I was informed by Ona Tolliver, Associate Dean of Students, that an investigation was underway against me and that the concerns were sexual harassment and "other" issues, which were not defined. She refused to elaborate and I have not heard another word from her. Dr. Stadelmann also failed to answer an email request for information.

Nonetheless, without charges or any due process, I have been punished by my department and college. The next day, May 14<sup>th</sup>, Dr. Stadelmann canceled my summer school teaching (a loss of (\$11,383.33)). I was informed May 21<sup>st</sup>, still without formal charges, that I was not allowed to be part of the PATSS training program. Not only is this a financial loss (\$6,000), but 2/3<sup>rd</sup> of my fall classes were to be PATSS. I have not been informed of any changes to my fall schedule and, thus, combined with the ongoing harassment in the department and college, fear for my job.

681

Please answer the following questions: (add additional pages if necessary and please print.)

1. Why do you believe the action(s) taken against you were because of your race, sex, disability, etc.?

Dr. Slann, Wink, and Stadelmann have repeatedly made  
gender an issue in matters of my employment going back  
(at least) to August, 2010.

2. What explanation, if any, was offered for the actions by the Respondent (person to which the complaint is filed against)?

none, except as noted in attachment.

3. If this is a disability complaint, describe the disability or why you think the person against whom this complaint is being filed discriminated against you because of your disability. (Add additional pages if necessary)

4. If this is a Retaliation Complaint, what act of discrimination did you oppose and when, have you participated in any grievances, complaints or hearings involving discrimination, what evidence will show a connection between your opposition and the treatment you received?

5. If this is a complaint based on your religion, how was your employer made aware of your religion, did you request any special accommodation for your religion? Explain

6. Please provide the name(s), telephone number and a description of the information that can be provided by any witness that you believe can provide evidence in support of your charge.

I have written documentation of most of  
the discrimination and retribution I have  
experienced.



683

### Outcome of the Investigation

I would like to see the following as the outcome of the investigation:

I want to be immediately reinstated. I also want  
to know the charges against me as the University  
has already disciplined me and cut my pay.

### Confidentiality Statement

The Office of Human Resources and/or Chief Student Affairs Officer strives to maintain the confidentiality of the information obtained during the course of an investigation and in most cases, it will only be divulged on a need to know basis. However, some of the records obtained (redacted) or created during the investigation may be subject to disclosure under the State of Texas public records statute.

### Release Statement

I affirm that I have read the preceding information and charge(s) and attest that it is true to the best of my knowledge, information and belief. I have read and understand the confidentiality statement. I hereby give the Office of Human Resources and/or the Chief Student Affairs Officer permission to thoroughly investigate my complaint. I understand the information gathered will be kept confidential to the extent possible.

Mary Luehach  
Signature

June 3, 2014  
Date Submitted

**Please Return To:** Joe Vorsas  
Director of Human Resources  
The Univ. of Texas at Tyler  
3900 Univ. Blvd. ADM 108  
Tyler, TX 75799  
(903)566-7294  
[jvorsas@mail.uttyl.edu](mailto:jvorsas@mail.uttyl.edu)

Jesse Acosta  
Associate Vice President for Student Affairs & Enrollment Mgt.  
The Univ. of Texas at Tyler  
3900 Univ. Blvd. ADM 311  
Tyler, TX 75799  
(903)566-7044  
[jacosta@uttyler.edu](mailto:jacosta@uttyler.edu)

PLF000471